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Remarks

Claims 1-10, 12-25, 27-34 and 36-46 are pending in the application. All claims stand rejected by the final Office Action dated May 18, 2007. Reconsideration of the pending claims is respectfully requested in view of the arguments and remarks provided below.

35 U.S.C. § 103(a)

Claims 1-4, 6-10, 12, 14-18, 20-24, 31, 36, 38, 41 and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2003/0212779 by Boyter et al. ("Boyter") in view of U.S. Patent Application Publication No. 2005/0015760 by Ivanov et al. ("Ivanov"); claims 27-30 and 33-34 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boyter in view of Ivanov and in further view of U.S. Patent No. 6,993,448 to Tracy et al. ("Tracy"); claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boyter in view of Ivanov and in further view of U.S. Patent Application Publication No. 2001/0047405 by Moore et al. ("Moore"); claims 13, 19 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boyter in view of Ivanov and in further view of U.S. Patent Application Publication No. 2004/0268145 by Watkins et al. ("Watkins"); claims 32 and 37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boyter in view of Ivanov and in further view of U.S. Patent No. 6,546,493 to Magdych et al. ("Magdych"); claims 39, 42 and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boyter in view of Ivanov and in further view of U.S. Patent Application Publication No. 2005/0050365 by Liang et al. ("Liang"); and claims 40, 43

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and 46 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boyter in view of Ivanov and in further view of U.S. Patent Application Publication No. 2006/0010492 by Heintz et al. ("Heintz").

As discussed below, Applicants respectfully traverse these rejections because the cited references, alone or in combination, fail to teach or suggest the elements of the claims. See M.P.E.P. § 2143 (stating that in order to establish a *prima facie* case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations). Specifically, Boyter and Ivanov do not teach or suggest remote agentless scanning of internal files and data to determine internal security settings.

Claims 1, 15 and 21 recite, among other things, "***remote agentless scanning of internal files and data*** within the internal files on the first network device ***to determine internal security settings*** therefrom." (Emphasis added). Applicants respectfully submit that Boyter and Ivanov, either individually or when combined, do not teach this limitation.

According to page 3 of the final Office Action, "Boyter et al fails to teach performing remote agentless scanning of internal files and data within the internal files on the first network device to determine internal files security settings therefrom."

Pages 3 and 4 of the final Office Action also asserts that:

> Ivanov teaches wherein a scan patch module thus searches binary files on client computer to determine if a binary signature identifying security vulnerability is present in any binary information located on client computer. If the bit pattern of the binary signature is found in a binary file, scan patch module operates to fix the security vulnerability in the binary file by installing a corresponding security patch on client computer. Installation of a security patch on client computer overwrites or otherwise eliminates the binary file or a portion of the binary file containing the security vulnerability (See page 3, paragraph [0033]).

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However, Applicants respectfully submit that the ***binary signature*** taught by Ivanov is ***not an internal security setting*** as required by independent claims 1, 15 and 21. Rather, the binary signature is an ***exact bit pattern of a vulnerable function*** within a software product. See paragraph [0028], lines 9-12. Internal security settings are not reasonably interpreted as a binary signature that merely identifies a vulnerable function within a software product. One skilled in the art will recognize that settings may be modified by a user and do not by themselves indicate a vulnerability in binary information.

By way of contrast with Ivanov, the independent claims of the present application determine internal security settings through a remote agentless scan of internal files and data. For example, as disclosed in paragraph [0037] of the present application, "the scanning module 135 can scan the first network device 110 for the latest patches, to determine if anti-virus software is installed, to determine whether firewall software is installed (and what kind)..." See also, paragraph [0059] (internally scanning for missing Windows Hot-fixes and/or missing Solaris patches). Applicants submit that Ivanov is silent as to determining such internal security settings through a remote agentless scan of internal files and data.

Conclusion

As the cited references do not disclose all of the claimed limitations, Applicants respectfully request that the rejection of independent claims 1, 15 and 21 be withdrawn. As the depending claims include the limitations of the independent claims, they likewise represent patentable subject matter.

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Should there remain any issues that may be resolved by a telephone conference, the Examiner is invited to contact the applicant's representative below. Reconsideration of all pending claims in view of the amendments and remarks is respectfully requested.

Respectfully submitted,

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